



Review Article

Ethical Governance and Legal Accountability in Mental Health and Psychiatric Nursing: Challenges for Professional Practice

Francisca Ifeoma Paul^{1*}, and Jude Okpara¹

¹*Department of Nursing, Imo State University, Owerri, Nigeria*

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Corresponding Author

Francisca Ifeoma Paul
Department of Nursing, Imo
State University, Owerri,
Nigeria

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ABSTRACT

Mental health and psychiatric nursing is a complicated professional practice arena in which ethical governance and legal accountability are vital to the safety of patients, nurses, families and health care organisations. Psychiatric nurses routinely care for patients whose decision-making ability may be impaired by mental illness and face difficult issues of autonomy, informed consent, confidentiality, privacy, involuntary treatment, restraint, seclusion, and the duty to protect patients and others from harm. Ethical governance provides a framework for ensuring that therapeutic judgements are guided by the values of autonomy, beneficence, non-maleficence, justice, dignity and respect for human rights and legal accountability establishes criteria against which professional conduct can be judged. Psychiatric nurses, however, are working in increasingly complex environments, with staff shortages, limited mental health resources, over-crowded facilities, stigma, changing legislation, conflicts of professional roles, technological developments and balancing patient rights with public safety. These issues are further worsened in many low- and middle-income countries including Nigeria by inadequate specialist services, restricted access to legal and ethical guidance and gaps between mental health legislation and clinical practice. This article explores the relationship between ethical governance and legal accountability in mental health and psychiatric nursing, discusses the major challenges to the profession, and offers strategies to enhance ethical decision-making, professional accountability, human rights, continuing education, institutional governance and multidisciplinary collaboration. Ethical and legal structures must be strengthened for safe, compassionate, equitable, and rights-based psychiatric nursing practice.

Keywords: *psychiatric nursing, mental health nursing, professional practice, ethical governance, legal accountability, patient rights, informed consent, confidentiality, human rights*

INTRODUCTION

Mental health and psychiatric nursing has a special place in health care since nurses regularly look after people who have psychological discomfort, mental disorders, disturbed conduct, impaired judgement or abnormalities in cognition and perception. The nurse's roles include not just the delivery of medication and monitoring of symptoms but also therapeutic communication, risk assessment, crisis intervention, advocacy, psychosocial support, health education, rehabilitation and protection of patients' rights. Thus, psychiatric nursing entails several ethical and legal considerations that can have severe effects for patients and their families [1].

Ethical governance is widely defined as the systems, concepts, rules, institutions and professional processes that ensure healthcare choices and practices are directed toward ethically acceptable outcomes. It provides a framework for encouraging responsibility, openness, justice, patient safety, professional integrity and respect for human dignity. Legal accountability, in contrast, relates to nurses' and healthcare organizations' responsibility to adhere to relevant laws, professional regulations, institutional policies, and accepted standards of care. A psychiatric nurse can therefore be held liable professionally, ethically, civilly, or in some cases criminally, for actions or omissions that occur during patient care[2].

The link between ethics and legality is of special importance in psychiatric nursing, since mental health care may involve constraints on individual autonomy. For example, someone with severe psychosis may refuse treatment even when they

are in immediate danger of harming himself or others. In same vein, in the case of a credible threat of significant harm, nurses may also need to examine whether information concerning a patient's mental health should be kept confidential. Such scenarios generate a contradiction between respect for individuality and the professional commitment to "do no harm."

Current mental health practice is built around a human rights approach, recovery-oriented care, shared decision-making, least-restrictive interventions, and patient participation. International standards have strengthened the concept that persons with mental illness have fundamental human rights and should be provided with health treatment without discrimination. Implementation, however, remains patchy, in particular when dealing with underfunded mental health services, or where legislation or institutional procedures have not kept pace with contemporary rights-based approaches[3].

This article discusses ethical governance and legal accountability in mental health and psychiatric nursing with emphasis on problems that affect professional practice and how to improve ethical and legally accountable care.

Ethical Management in Psychiatric Nursing

Ethical governance forms the basis of appropriate psychiatric nursing practice. That is, creating procedures wherein healthcare practitioners can recognise ethical difficulties, make justifiable decisions, document acts appropriately, and be accountable for their professional behaviour.

There are a number of ethical considerations that are particularly important in psychiatric nursing. Autonomy involves respect for patients' rights to make decisions about their treatment when they are able to do so. Mental illness should not be equated with lack of decision-making capacity per se. Being diagnosed with schizophrenia, bipolar disorder, depression or any other psychiatric ailment does not, by itself, take away a person's ability to make educated decisions[4].

Beneficence requires nurses to behave in the patient's best interests and to promote wellness. Professionals have a duty to avoid unnecessary damage (non-maleficence). These principles are especially relevant in the setting of medications, restriction, seclusion, forced admission and other interventions that may infringe on a person's independence. Justice means that people get fair and equal access to mental health care and are treated fairly, regardless of their financial situation, gender, ethnicity, disability, diagnosis or other characteristics. However, in resource-poor settings, justice can be illusive in the absence of psychiatric treatments, skilled workers, medications and speciality facilities[5].

Another important aspect of ethical psychiatric nursing is respect for human dignity. People working in psychiatric care should not be defined by their diagnosis or regarded incapable of contributing to decisions about their lives. Stigmatising words, unwarranted compulsion, humiliation, neglect and discriminatory treatment are inconsistent with ethical professional practice[6].

Ethical governance involves more than individual moral judgement. Hospitals and mental health facilities should have ethics committees, well-defined clinical protocols, reporting systems, professional codes, complaint handling mechanisms and review processes for adverse events. Such mechanisms allow nurses to make decisions that are transparent, consistent, and defensible.[7]

Legal Liability in Mental Health Nursing

Legal responsibility provides a legal structure for deciding whether nursing practice is in compliance with the necessary standards. Psychiatric nurses are usually responsible for the care they provide, within their professional scope of practice, maintaining appropriate competence, protecting patient confidentiality, obtaining or supporting valid consent, documenting care accurately, administering medication safely, responding appropriately to risk and adhering to relevant mental health legislation and professional regulations[8].

Not fulfilling professional responsibilities could result in disciplinary action by regulatory agencies, civil suits, institutional punishments, or other legal consequences, depending on the jurisdiction and the circumstances. Informed consent is one of the most critical areas of legal obligation. Patients should be provided with appropriate information about the planned therapy, including the relevant benefits, risks, alternatives and implications of refusing treatment, subject to applicable law and clinical conditions. Psychiatric nurses have a vital role in assessing understanding, fostering communication, detecting problems and advocating for patients.

Another major element is confidentiality. Mental health information is especially delicate, because revelation can lead to stigma, discrimination, family strife, work implications, or social exclusion. Nurses have a professional and legal responsibility to safeguard patient information. But confidentiality is not total. Exceptions are where disclosure is permitted by law, is necessary for vital healthcare, or is necessary to prevent serious and imminent harm[9]. Documentation is also a legal accountability. Nursing records should clearly document evaluation, intervention, patient

response, discussion with other professionals, administration of medicine, risk assessment and key clinical decisions. In psychiatric treatment, poor documentation might make it difficult to show that sufficient care was provided[10].

Involuntary Treatment and the Ethical/Legal Dilemma

Involuntary admission and treatment are some of the most difficult aspects of psychiatric nursing. The central tension is generally between autonomy and protection against damage. A patient may refuse hospitalisation or treatment when his behaviour indicates a substantial danger of harm to himself or others.

Psychiatric nurses may be involved in the assessment, admission, observation, medication administration and monitoring of persons requiring involuntary treatment. These duties need careful understanding of relevant mental health laws and institutional policies[11].

The application of coercive measures shall be in accordance with the criteria of necessity, proportionality, legality and least restriction. Never employ restraint or seclusion as punishment, as a means of retaliation, for the convenience of staff, or as a substitute for proper staffing. Where restrictive interventions are legally permissible they should normally only be employed after all less restrictive alternatives have been exhausted or are inappropriate and there is a significant risk of harm.

Nurses are also required to monitor patients subject to restricted therapies and document the rationale, duration, patient condition, previous interventions attempted, and outcome. Inadequate monitoring can lead to significant damage or death and can have legal ramifications for health care providers and institutions[12].

Confidentiality, privacy and information handling

Confidentiality is an essential element of the therapeutic interaction in psychiatric nursing. Patients are more willing to give sensitive information when they perceive that the nurses will respect their privacy. Breaches of confidentiality can erode confidence and deter people from seeking therapy.

The rising adoption of electronic health records has brought new concerns. Mental health information can be shared across several healthcare providers and preserved in connected digital systems. Hence, nurses need to ensure proper access, sharing, and transmission of electronic information[13].

Another growing problem is social media. Nurses could break confidentiality accidentally by publishing about clinical experiences on the internet, sharing photos from healthcare settings, or disclosing information that could identify patients. And even so-called anonymous descriptions can be identified when paired with additional information. Therefore, professional accountability is not limited to the hospital setting. Nurses must be aware that ethical and legal duties related to secrecy are ongoing when utilising electronic communication, mobile devices, social media platforms and other digital technologies[14].

Therapeutic Relationships & Professional Boundaries

The essence of psychiatric nursing is the therapeutic interaction. However, the intimate emotional involvement of nurses and patients may cause boundary problems. Patients are able to establish deep emotional attachments to nurses, especially in situations of vulnerability, crisis or extended hospital stays. [15]

Professional boundaries protect patients and nurses. Nurses must not engage in exploitative relationships, give inappropriate gifts, conduct financial transactions, dual relationships, excessive self-disclosure or inappropriate physical or emotional intimacy. Violations of boundaries can damage the therapeutic service and may be professional misconduct. Psychiatric nurses, too, need to be aware of power disparities. Patients can rely on health care professionals for medicine, accommodation, access to treatment or discharge decisions. Ethically, this power should be used only for legitimate clinical purposes and never for personal benefit[16].

Human Rights, Discrimination and Stigma

Stigma is one of the biggest barriers to mental health care. People with mental illness may face prejudice in health care facilities, families, employers, schools, and communities. Psychiatric nurses have an essential role in combating stigmatising views.

Ethical nursing practice means treating patients as people, not as diagnosis. The use of language describing patients as “dangerous,” “crazy,” “difficult,” or “non-compliant” can perpetuate stereotypes, and can also affect the quality of treatment patients receive.

Human rights-based psychiatric nursing means respect for dignity, freedom from abuse, involvement in decision-making, access to adequate health care and protection from discrimination. Nurses should fight for patients when their rights are violated and report suspected abuse or neglect to institutional and regulatory bodies[17].

Challenges of Scarce Resources

Accountability in health care settings with limited resources can be especially problematic in both an ethical and legal sense. There may be a lack of nurses, psychiatrists, psychologists, social workers, medications, beds and therapy facilities in psychiatric facilities. High patient to nurse ratio can lead to poor observation, medication mistakes, delayed interventions and burnout.

The nurse may know what the more ethical thing to do is but not have the resources to do it. For example, a patient needing careful observation might be put in a setting where the staffing levels make constant surveillance problematic. Crowding may also lead to more restrictive tactics being used.

This situation creates a significant contrast between personal responsibility and systemic responsibility. However, it is the responsibility of healthcare organisations and governments to provide safe working conditions, proper facilities, adequate personnel and good mental health services, but nurses must be professionally accountable for their actions[18].

Ongoing Professional Development and Competence

Today psychiatric nursing is complicated and demands ongoing professional development. Nurses require understanding of psychiatric evaluation, psychopharmacology, crisis intervention, suicide prevention, risk management, mental health legislation, ethics, human rights, trauma-informed treatment and therapeutic communication. Inadequate awareness of mental health law can lead to incorrect involuntary admission, unlawful restriction, inadequate consent processes or breaches of confidentiality. In the same way, inadequate training in de-escalation may lead to an increased use of restraint.

Therefore, continuing professional education should contain case-based ethical and legal dilemmas. Nurses should be encouraged to consider difficult scenarios such as refusal of treatment, suicide risk, confidentiality, family requests for information, violence, involuntary admission, capacity assessment and the use of restraint [19].

Ethical Challenges in Nigeria and other Low and Middle Income Countries

Ethical governance of mental health nursing in Nigeria and other low- and middle-income countries is affected by limited resources, disparities in access to psychiatric services, cultural beliefs about mental illness, stigma, shortage of specialists and the gap between legislation and practical implementation.

Legislative creation of Nigeria's mental health framework has been crucial, but proper institutional structures, skilled experts, funding, community-based services and methods for monitoring patients' rights are needed for effective implementation. This is especially essential considering that psychiatric nurses make up a large portion of the mental health profession and often provide ongoing patient interaction.

Cultural ideas can also affect how mental illness and treatment are seen. Some patients may seek help first from traditional or religious practitioners. Nurses must be culturally competent and not disregard patients' beliefs and must ensure that harmful practices are detected and corrected.

Family involvement is especially significant in many African health care systems. Families can offer important practical and financial support to people with mental illness. But family involvement must be balanced with the patient's rights to privacy, autonomy and participation in treatment decisions[20].

Ethical Decision-Making in Psychiatric Nursing.

Ethical decision making should be a systematic approach. First, the nurse should identify the ethical challenge and the ideals or rights in conflict. Secondly, the appropriate clinical information should be collected, such as the diagnosis, mental status, risk factors, decision-making capacity, treatment preferences and social conditions of the patient. Third, the nurse should identify relevant legislation, professional standards, institutional rules, and ethical principles. Fourth, the options available should be explored, with a preference for actions that maximise the patient's autonomy and minimise unwarranted constraints.

In difficult circumstances, consultation with colleagues, mental physicians, psychologists, social workers, clinical supervisors, ethics committees or legal consultants may be appropriate. The final choice, the rationale and the response of the patient should be recorded[21].

This helps to make ethical practice a professional, public and responsible procedure, rather than a personal, informal judgement.

Approaches to Improving Ethical Governance and Legal Accountability

Several measures can be used to enhance ethical and legal practice in mental nursing.

First, mental health institutions should have clear ethical and legal procedures in place that cover consent, confidentiality,

restraint, isolation, involuntary treatment, recordkeeping, patient complaints, and professional boundaries. Second, the quality of further education should be improved. Ongoing training on mental health legislation, professional ethics, human rights, safeguarding and risk management should be given to nurses.

Thirdly, interdisciplinary collaboration should be encouraged. Ethical concerns are often too complicated to be adequately resolved by a single specialist. Nurses, psychiatrists, psychologists, social workers, legal professionals, hospital managers, patients and families can work together to improve decision-making.

Fourth, patients should be encouraged to participate. In recovery-oriented care, the patient is an active participant in their treatment, not a passive recipient. Advance declarations and advance care planning, if permitted by law, can facilitate the communication of patient wishes during periods of future diminished capacity.

Fifth, healthcare organisations must tackle systemic problems. Ethical governance requires sufficient workers, suitable facilities, access to pharmaceuticals, occupational safety and proper supervision.

Finally, accountability procedures need to be strengthened. Patients should have available outlets to report abuse, neglect, discrimination or rights' breaches without fear of retaliation[22,23].

CONCLUSION

Ethical governance and legal accountability are essential to modern mental health and psychiatric nursing. Psychiatric nurses work in settings where professional judgements may directly affect patients' autonomy, liberty, dignity, privacy, safety and access to treatment. Psychiatric practice is so complicated that ethical considerations cannot be isolated from legal obligations.

Nurses must demonstrate clinical competence, and strong ethical and legal understanding, to address challenges related to involuntary treatment, informed consent, secrecy, restraint, professional boundaries, stigma, technological change, resource restrictions, and human rights. Crucially, professional accountability needs to be linked to organisational and governmental accountability. Nurses cannot fix systemic issues including staffing shortages, lack of psychiatric beds and poor access to mental health care by themselves.

We need effective laws, institutional policies, professional regulation, continuous education, multidisciplinary collaboration, patient participation and methods for monitoring and reporting infractions to strengthen ethical governance. Psychiatric nurses need to be supported in their roles as clinicians, activists, educators, and protectors of patient rights.

To conclude, ethical and legally responsible psychiatric nursing should strive to strike a balance between safety and autonomy, professional accountability and patient choice, and individual care and public interest. Using a rights based approach can be very helpful in eliminating stigma, preventing abuse, strengthening therapeutic partnerships and in encouraging improved mental health results. As mental healthcare evolves, ethical governance and legal accountability must remain a major aspect of professional nursing education, policy, research and clinical practice.

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